

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ASSURE HEALTH CORPORATION et al,

Case No. 1:24-cv-713

Plaintiffs,

v.

HON. ROBERT J. JONKER

MSU HEALTH CARE, INC.,

Defendant.

\_\_\_\_\_ /

**ORDER FOR NO PROGRESS DISMISSAL**

Plaintiff asks for more time to respond to this Court’s Show Cause Order with a deadline of March 17, 2025. (ECF No. 30). The background of the Show Cause Order, including the defense motion that originally triggered it, is a matter of record. (ECF Nos. 24, 25, 27). So is this Court’s denial of a motion filed by plaintiff’s counsel seeking leave to withdraw after the Court entered its Show Cause Order. (ECF No. 29). The Court now considers and rejects plaintiff’s request for additional time.

Plaintiff’s counsel recites that “on March 17, 2025, at 4:00 p.m. (ECF), Assure Health Corporation reached out to Plaintiff’s Counsel and explained that recent family issues prevented it from adequately engaging with Counsel.” Counsel goes on to note that he has a jury scheduled to begin in another district on March 24. This does not amount to good cause to extend the Show Cause deadline or to retain this dormant case on the Court’s calendar. The information does not identify any actual individual person who initiated a call from Assure, or how the communication occurred. Nor does it explain what kind of “family issues” precluded prior contact, including without limitation the three unsuccessful efforts Counsel reported in his earlier filing. Even taking the statement at face value, a reference to “recent” issues does nothing to explain why the case has

languished without any docket activity (other than on this issue) since the defense answered on October 24, 2024, and does not even try to respond to the many instances of inattention reported in the original defense motion on this topic. Finally, with respect to counsel's other case obligations, the Court does not find it unusually difficult to balance a jury trial set to start a week from now with closing out a substantive response on a Show Cause Order on file since March 7<sup>th</sup>, especially when other local counsel appeared on the case at the Rule 16 and remains counsel of record for plaintiff.

In short, there is no good cause on this record to extend the deadline for plaintiff's response or to retain the case on the docket of the Court. The Court therefore dismisses this matter without prejudice for lack of progress.

IT IS SO ORDERED.

Dated: March 18, 2025

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE